

REMARKS

In the Office Action¹, the Examiner took the following actions:

provisionally rejected claims 8 and 18 under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 4, 12, and 19 of copending U.S. Patent Application No. 10/676,374;

rejected claims 10 and 14 under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent Application Pub. No. 2002/0184401 to Kadel et al. ("*Kadel*");

rejected claims 1, 4, 6-9, 18, and 23-24 under 35 U.S.C. § 103(a) as being unpatentable over *Kadel* in view of U.S. Patent Application Pub. No. 2003/0196168 to Hu ("*Hu*") and U.S. Patent Application Pub. No. 2005/005261 to Severin ("*Severin*")²;

rejected claims 20-22 under 35 U.S.C. § 103(a) as being unpatentable over *Kadel*, *Hu*, *Severin*, and U.S. Patent No. 6,920,461 to Hejlsberg et al. ("*Hejlsberg*");

rejected claims 15 and 17 under 35 U.S.C. § 103(a) as being unpatentable over *Kadel* and *Severin*;

rejected claims 2 and 3 under 35 U.S.C. § 103(a) as being unpatentable over *Kadel*, *Hu*, *Severin*, and U.S. Patent No. 7,000,219 to Barrett et al. ("*Barrett*");

rejected claims 11 and 12 under 35 U.S.C. § 103(a) as being unpatentable over *Kadel*, *Severin*, and *Barrett*; and

rejected claim 19 under 35 U.S.C. § 103(a) as being unpatentable over *Kadel*, *Hu*, *Severin*, and U.S. Patent No. 7,086,065 to Yeluripati et al. ("*Yeluripati*").

¹ The Office Action contains a number of statements reflecting characterizations of the related art and the claims. Regardless of whether any such statement is identified herein, Applicant declines to automatically subscribe to any statement or characterization in the Office Action.

² The Office Action, on page 7, incorrectly identified the U.S. Patent Application Pub. No. of *Severin*. The correct number was listed on form PTO-892 attached to the Office Action.

Applicants amend claims 1, 3, 10, 12, 18, 23, and 24; cancel claims 2, 11, and 19; and add claims 25 and 26. The rejections of cancelled claims 2 and 11 is now moot. Claims 1, 3, 4, 6-10, 12, 14-18, and 20-26 are now pending in this application.

I. Interviews

Applicants thank Supervisory Examiner Bullock and Examiner Vu for the telephone interviews on July 7, 2009, August 3, 2009, August 18, 2009, and August 26, 2009. During the interviews, the pending claims, the Office Action, the cited prior art, and proposed claim amendments were discussed. Applicants' representative presented the latest version of proposed claim amendments on August 25, 2009. On August 26, 2009, Supervisory Examiner Bullock stated that the proposed claim amendments overcome the cited prior art. The claim amendments filed herewith are essentially identical to the proposed claim amendments. Furthermore, Supervisory Examiner Bullock stated that Examiner Vu will contact the Applicants' representative about entering amendments to place the claims in condition for allowance if any other prior art turns up during a search.

II. Double Patenting Rejection

Applicants respectfully traverse the non-statutory double patenting rejection of claims 8 and 18. Applicants note that U.S. Patent Application No. 10/676,374 was issued as Patent No. 7,543,268 on June 2, 2009. Applicants also note that claim 8 is a dependent claim. The independent claims in this application have been amended in this filing. Therefore, Applicants request that the Examiner continue to hold the rejection in

abeyance. Upon review of the remarks made in this paper, should the Examiner believe this application to be in condition for allowance but for the double patenting rejections held in abeyance, Applicants respectfully request that the Examiner contact the undersigned representative to discuss an appropriate resolution.

III. Rejection of Claims 10 and 14 under § 102(e)

Applicants respectfully traverse the rejection of claims 10 and 14 under 35 U.S.C. § 102(e) as being anticipated by *Kadel*. In order to properly establish that *Kadel* anticipates Applicants' claimed invention under 35 U.S.C. § 102, each and every element of each of the claims in issue must be found, either expressly described or under principles of inherency, in that single reference. Furthermore, "[t]he identical invention must be shown in as complete detail as is contained in the . . . claim." See M.P.E.P. § 2131, quoting *Richardson v. Suzuki Motor Co.*, 868 F.2d 1126, 1236, 9 U.S.P.Q.2d 1913, 1920 (Fed. Cir. 1989).

Amended independent claim 10, recites, in part,

convert the first model to a second model in a second language, wherein the second model is an XML model and the second language comprises XML;

generate a set of intermediate objects by parsing the second model using the first model an XML parser; and

generate a proxy layer, a state layer, XML marshalling code, and an XML schema using the set of intermediate objects as inputs.

As agreed by the Examiners, the cited prior art, including *Kadel*, fails to disclose at least these elements of claim 10.

Therefore, *Kadel* does not anticipate claim 10. Claims 14 depends from independent claim 10, and is thus allowable over *Kadel* at least due to its dependence from an allowable base claim. Accordingly, Applicants respectfully request withdrawal of the rejection of claims 10 and 14 under 35 U.S.C. § 102(e) and the timely allowance of the claims.

IV. Rejections under § 103(a)

Applicants respectfully traverse the rejection of claims 1, 4, 6-9, 18, and 23-24 under 35 U.S.C. § 103(a) as being unpatentable over *Kadel* in view of *Hu* and *Severin*; the rejection of claims 20-22 under 35 U.S.C. § 103(a) as being unpatentable over *Kadel*, *Hu*, *Severin*, and *Hejlsberg*; the rejection of claims 15 and 17 under 35 U.S.C. § 103(a) as being unpatentable over *Kadel* and *Severin*; the rejection of claims 2 and 3 under 35 U.S.C. § 103(a) as being unpatentable over *Kadel*, *Hu*, *Severin*, and *Barrett*; the rejection of claims 11 and 12 under 35 U.S.C. § 103(a) as being unpatentable over *Kadel*, *Severin*, and *Barrett*; and the rejection of claim 19 under 35 U.S.C. § 103(a) as being unpatentable over *Kadel*, *Hu*, *Severin*, and *Yeluripati*. A *prima facie* case of obviousness has not been established.

"The key to supporting any rejection under 35 U.S.C. § 103 is the clear articulation of the reason(s) why the claimed invention would have been obvious. . . . [R]ejections on obviousness cannot be sustained with mere conclusory statements." M.P.E.P. § 2142, 8th Ed., Rev. 7 (July 2008)(internal citation and inner quotation omitted). "[T]he framework for the objective analysis for determining obviousness under 35 U.S.C. 103 is stated in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966). . . . The factual inquiries . . . [include determining the scope and content of the

prior art and] . . . [a]scertaining the differences between the claimed invention and the prior art." M.P.E.P. § 2141(II). In rejecting a claim, "Office personnel must explain why the difference(s) between the prior art and the claimed invention would have been obvious to one of ordinary skill in the art." M.P.E.P. § 2141(III).

Amended independent claim 1, recites, in part,

convert the first model to a second model in a second language, wherein the second model is an XML model;

generate a set of intermediate objects by parsing the second model using an XML parser; and

generate an API using the set of intermediate objects as inputs, wherein the API comprises an interface layer, a proxy layer, a state layer, XML marshalling code, and an XML schema to enforce the constraints

As agreed by the Examiners, the cited prior art, including *Kadel, Hu, Severin, Hejlsberg, Barrett, and Yeluripati*, fails to teach, suggest, or render obvious at least the elements of claim 1 recited above. Because the cited prior art, taken alone or in combination, fails to teach or suggest each and every claim recitation, the Office Action has not established a *prima facie* case of obviousness with respect to independent claim 1. Consequently, the rejection of claim 1 is legally deficient and should be withdrawn, and the claim should be allowed.

Independent claims 10 and 18, while of different scope, recites elements similar to those of claim 1 and are thus allowable over *Kadel, Hu, Severin, Hejlsberg, Barrett, and Yeluripati*. Claims 3, 4, 6-9, 12, 15-17, and 19-26 depend from independent claims 1, 10, and 18, and are thus allowable over *Kadel, Hu, Severin, Hejlsberg, Barrett, and Yeluripati* at least due to their dependence from an allowable base claim. Accordingly,

Applicant respectfully requests withdrawal of the rejections of claims 1, 3, 4, 6-9, 12, and 15-24 under 35 U.S.C. § 103(a) and the timely allowance of the claims.

V. New Claims

New claims 25 and 26 depend from independent claims 1 and 18, respectively and are thus allowable at least due to their dependence.

CONCLUSION

In view of the foregoing remarks, Applicants respectfully request reconsideration of this application and the timely allowance of the pending claims. As discussed during the August 26, 2009, interview, the Examiner is kindly invited to contact the undersigned at (202) 408-4320 to resolve any outstanding issues.

Please grant any extensions of time required to enter this response and charge any additional required fees to our deposit account 06-0916.

Respectfully submitted,

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Dated: DRAFT

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